

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANNY ATTERBURY,

Petitioner,

No. CIV S-03-1809 GEB DAD P

vs.

DAVE GRAZINI, et al.,

Respondents.

ORDER

Petitioner is proceeding pro se with a third amended petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Before the court are two motions filed by petitioner on May 19, 2005.

In his motion for default judgment, petitioner argues that respondents did not timely file their response to petitioner's third amended petition. On April 15, 2005, the court granted respondents 30 days from the date of service of the court's order to file their response. On May 16, 2005, respondents filed their answer. The answer was timely filed and petitioner's motion will be denied.

Next, petitioner has filed a motion styled, "Motion For Definitive Statement From Respondent, And Request For A Substantial (Large) Amount Of Time To File Traverse, Or Enlargement Of Time If The Court Has Already Set Any Time Limits, Dates Or Deadlines." In

1 this motion, petitioner explains that he will need additional time to file his traverse. Petitioner's
2 traverse was due thirty days after service of respondents' answer which was filed on May 16,
3 2005. See Order, filed May 17, 2004. Nonetheless, the court will grant petitioner additional time
4 to file his traverse.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Petitioner's May 17, 2005 motion for default judgment is denied; and
- 7 2. Petitioner's May 17, 2005 motion for definitive statement and extension of
8 time is granted in part; and
- 9 3. Petitioner shall file his traverse within thirty days from the service of this order
10 at his address of record.

11 DATED: September 1, 2005.

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13 _____
14 DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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